IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.4581 OF 2006
IN
FIRST APPEAL NO.552 OF 2006

Mr. Villa Nova Barretto .. ***Applicant***

Versus

The New India Assurance Co. Ltd.
and anr. .. ***Respondents***

Mr. T.J. Mendon Advocate for applicant
Mrs. Arati B. Barve Advocate for respondents

CORAM : S.B. MHASE,
& S.R. SATHE, JJ.
DATED : 20th OCTOBER, 2006

P.C.:-

This is an application to withdraw the amount deposited by the original appellant/ respondent Insurance Company. The applicant has suffered Motor accident and thereby suffered disability of 100%. He was a computer engineer working as Manager.

The accident as claimed in petition was of 1992 and unfortunately it was decided on 20/08/2005. It will show that most of the amount is of the interest. The appellant insurance company has deposited amount of Rs. 73,41,176/- during the pendency of the appeal and therefore except Rs. 12,000/-, Petitioner-applicant has

not received anything.

Under these circumstances, we find it appropriate that the amount be disbursed in favour of the applicant-original claimant before the motor accident claim in the following manner.

75% of the deposit amount shall be paid to the applicant without guarantee and remaining 25% shall be paid on executing bond or guarantee.

Civil Application disposed of.

(S.R. SATHE, J.) ***(S.B. MHASE, J.)***